

# **EXHIBIT 114**

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15 Oracle USA, Inc., Oracle International Corporation,  
Oracle EMEA Limited, and Siebel Systems, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

ORACLE USA, INC. *et al.*

Plaintiffs

SAP AG, et al.,

### Defendants.

CASE NO. 07-CV-01658 PJH (EDL)

**DECLARATION OF BRADY  
MICKELSEN**

**CONTAINS INFORMATION  
DESIGNATED HIGHLY  
CONFIDENTIAL PURSUANT TO  
PROTECTIVE ORDER**

1 I, Brady Mickelsen, declare as follows:

2 1. I am over the age of 18 and competent to testify to the facts stated in this  
 3 declaration. All statements made in this declaration are based upon my personal knowledge and  
 4 belief. If called and sworn as a witness, I could and would competently testify as to such  
 5 matters.

6 2. I understand that four Oracle corporate entities are named plaintiffs in the  
 7 above captioned matter, *Oracle USA, Inc. et al. v. SAP AG, et al.*, Case No. 07-cv-01658-  
 8 PJH(EDL): Oracle USA, Inc., Oracle International Corporation, Oracle EMEA Ltd., and Siebel  
 9 Systems Inc. The purpose of this declaration is to confirm that Oracle America, Inc. is the  
 10 successor in interest to Oracle USA, Inc. (“OUSA”) and therefore should be substituted as the  
 11 named plaintiff in this action for Oracle USA, Inc.

12 3. On January 27, 2010, Oracle Corporation announced it had completed its  
 13 acquisition of Sun Microsystems, Inc. (“SMI”). In my capacity as Vice President, Associate  
 14 General Counsel, Corporate, Securities & Acquisition at OUSA, I was personally responsible  
 15 for overseeing the drafting of the post-acquisition documents by which SMI would be  
 16 reorganized within the corporate entity structure of Oracle Corporation and its subsidiaries.

17 4. As a part of this reorganization, on February 15, 2010 at 12:01 am Pacific  
 18 Standard Time, OUSA merged with and into SMI (the “Merger”). Specifically, the Agreement  
 19 and Plan of Merger provides:

20  
 21 Subject to and in accordance with the provisions of this  
 22 Agreement, at the Effective Time (as defined in Section 2 hereof),  
 23 OUSA shall be merged with and into SMI, whereupon the separate  
 24 existence of OUSA shall cease, and SMI shall be the surviving  
 25 entity (the “Surviving Entity”) in the Merger. The Surviving  
 26 Entity shall, in accordance with Section 259 of the General  
 27 Corporation Law of the State of Delaware (the “Code”), succeed  
 28 by operation of law, without other transfer or action, to all of the  
 rights, title, interests and property of OUSA, and shall assume all  
 debts, obligations and liabilities of OUSA as if the Surviving  
 Entity had itself incurred such debts, obligations and liabilities.

27 As the surviving entity of the Merger, SMI filed an Amended and Restated Certificate of  
 28 Incorporation pursuant to which the name of SMI was changed to Oracle America, Inc.

1               5.       As a result of this reorganization, there is no change to the corporate  
2 structure of Oracle International Corporation, Oracle EMEA Ltd., and Siebel Systems Inc.

3               6.       As a result of this reorganization, there is also no change to Oracle's  
4 outbound and inbound licensing and payment structures related to Oracle's PeopleSoft, JD  
5 Edwards, Siebel, or Database product lines for Oracle's non-U.S. territories. In Oracle's U.S.  
6 territory, Oracle America, Inc. is now Oracle's inbound and outbound licensing entity for  
7 Oracle's PeopleSoft, JD Edwards, Siebel, and Database product lines. In addition, any payment  
8 previously made or received by OUSA related to Oracle's PeopleSoft, JD Edwards, Siebel, and  
9 Database product lines will now be made and received by Oracle America, Inc.

10               7.       I understand that on September 22, 2009, Oracle produced a copy of the  
11 Fourth Amended and Restated Cost Sharing Agreement to the Defendants in *Oracle USA, Inc. et*  
12 *al. v. SAP AG*. I understand this agreement was bates-numbered ORCL00578071. As part of the  
13 post-Merger corporate reorganization, one amendment was made to Appendix VI of the Fourth  
14 Amended and Restated Cost Sharing Agreement. This amendment did not result in any change  
15 to the provisions governing the licensing, development, or distribution of Oracle's PeopleSoft,  
16 JD Edwards, Siebel, or Database products.

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18               I declare under penalty of perjury under the laws of the United States that the  
19 foregoing is true and correct and that this declaration is executed at Redwood Shores, California,  
20 on February 23, 2010.

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Brady Mickelsen

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